

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

SANTONIO R. LEE,

Plaintiff

vs.

WILLIAM H. SMITH, III, Attorney,

Defendant

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NO. 5:11-CV-254 (MTT)

ORDER

Plaintiff **SANTONIO R. LEE**, an inmate at Johnson State Prison, has filed a motion to proceed *in forma pauperis* on appeal from the Court's June 30, 2011, Order that dismissed Plaintiff's *pro se* civil rights complaint filed under 42 U.S.C. § 1983. Based on the reasoning of this Court's prior order, the Court finds that the appeal is frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, having been carefully considered, Plaintiff's motion to proceed *in forma pauperis* on appeal is hereby **DENIED**.

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$455 appellate filing fee. Because Plaintiff has stated that he cannot pay the fee immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to section 1915(b), the prison account custodian shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account (to the extent the account balance exceeds \$10) until the \$455 appellate filing fee has been paid in full. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is **DIRECTED** to send a copy of this Order to the business manager at Johnson State Prison.

SO ORDERED, this 29th day of July, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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